

Serial No. 10/750,312

**REMARKS**

This is a response to the Office Action mailed April 18, 2006. Claims 1-15, and 18-26 are pending in the application. Claims 1, 4-9, 11, 13, 14, and 16-25 have been rejected by the Examiner. As noted above, applicants have amended claims 1-15 and 18-26. Claims 2-3, 10, 12, 15, and 26 are withdrawn from consideration. The amendments are fully supported by the written description.

Applicant requests that all previously withdrawn claims that depend from a rejected base claim be rejoined on the basis that they are patentable for at least the same reasons that their parent is patentable. These include claims 2, 3, 10, 12, and 15.

**Claim Rejections 35 U.S.C. § 112**

The Examiner has rejected Claims 1, 4-9, 11, 13, 14, 16-17, 19, and 23-25 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

Claims 16 and 17 are canceled.

The Examiner indicated that claims 1, 9, 19, 23, and 24 are “confusing since it is unclear whether applicant is claiming combination of mandrel and stent especially in view that dependent claims refer to mandrel or support and not the combination of the stent and mandrel/support.” Applicants have amended claim 1 to claim a “stent and a stent mandrel support” combination. Applicants have amended claims 9, 19, 23, and 24 to claim a “stent and mandrel” combination. Claims dependent on claims 1, 9, 24 refer to a “stent and support” or “stent and mandrel” combination. Applicant respectfully requests removal of the section 112 rejections of claims 1, 4-9, 11, 13, 14, 19, and 23-25.

Serial No. 10/750,312

**Claim Rejections 35 U.S.C. § 102(b)**

The Examiner has rejected Claims 1, 4-5, 9, 11, 13-14, 16-19, and 23-25 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 4,846,791 to Hattler et al.. Applicant respectfully disagrees.

**Claims 1, 4, 5**

Claim 1 recites “a stent and a stent mandrel support supporting the stent, the stent comprising a plurality of struts.” Hattler et al. teaches a “multilumen catheter” with a “divider” that divides “the tube into a plurality of separate lumens.” Col. 2, lines 33-39. Thus, Hattler et al. do not teach or suggest the feature of claim 1 “a stent ... comprising a plurality of struts.” A “catheter” is not a “stent ... comprising a plurality of struts.” MPEP Section 2131 states “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Therefore, claim 1 is patentably allowable over Hattler et al. Claims 4 and 5 depend from claim 1 and are allowable for at least the same reason that claim 1 is allowable. Please remove the anticipation rejection of claims 1, 4, and 5.

**Claims 9, 11, 13, 14**

Claim 9 recites “a stent and a mandrel supporting the stent, the stent comprising a plurality of struts.” Hattler et al. do not teach or suggest the feature of claim 9 “a stent ... comprising a plurality of struts.” Therefore, claim 9 is patentably allowable over Hattler et al. Claims 11, 13, and 14 depend from claim 9 and are allowable for at least the same reason that claim 9 is allowable. Please remove the anticipation rejection of claims 9, 11, 13, and 14.

**Claim 18**

Serial No. 10/750,312

Claim 18 recites: “the member including 3 outward projecting walls, each wall including a pair of opposing parallel sides.” FIG. 15a of Hattler et al. depicts a support for a catheter having four walls. Two of the walls have a pair of opposing parallel sides and two of the walls have a pair of non-parallel opposing sides. FIG. 16 of Hattler et al. depicts a support for a catheter having 6 walls, none of which have a pair of opposing parallel sides. Therefore, Hattler et al. do not teach the above-mentioned feature of claim 18. Therefore, claim 18 is patentably allowable over Hattler et al. Please remove the anticipation rejection of claim 18.

#### **Claim 19**

Claim 19 recites “a stent and a mandrel to support a stent, the stent comprising a plurality of struts.” Hattler et al. do not teach or suggest the feature of claim 19 “a stent ... the stent comprising a plurality of struts.” Therefore, claim 19 is patentably allowable over Hattler et al. Please remove the anticipation rejection of claim 19.

#### **Claim 23**

Claim 23 recites “a stent and a mandrel supporting the stent, the stent comprising a plurality of struts.” Hattler et al. do not teach or suggest the feature of claim 23 “a stent ... comprising a plurality of struts.” Therefore, claim 23 is patentably allowable over Hattler et al. Please remove the anticipation rejection of claim 23.

#### **Claim 24-25**

Claim 24 recites “a stent and a mandrel supporting the stent, the stent comprising a plurality of struts.” Hattler et al. do not teach or suggest the feature of claim 24 “a stent ... comprising a plurality of struts.” Therefore, claim 24 is patentably allowable over Hattler et al. Claim 25 depends from claim 24 and is allowable for at least the same reason that claim 24 is allowable. Please remove the anticipation rejection of claims 24-25.

Serial No. 10/750,312

**Claim Rejections 35 U.S.C. § 103(a)**

The Examiner has rejected Claims 6-8 and 20-22 under 35 U.S.C. § 103 (a) as being unpatentable over Hattler et al. Applicant respectfully disagrees.

Claims 6-8 depend from Claim 1 and are allowable for at least the same reason that claim 1 is allowable. The applicant respectfully requests removal of the obviousness rejection of claims 6-8.

Claim 20 recites “a stent and a mandrel supporting the stent, the stent comprising a plurality of struts.” Hattler et al. do not teach or suggest the feature of claim 20 “a stent ... comprising a plurality of struts.” MPEP Section 2143 states that “there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference.” Therefore, claim 20 is patentably allowable over Hattler et al. Claims 21 and 22 depends from Claim 20 and are allowable for at least the same reason that claim 20 is allowable. Please remove the obviousness rejection of claims 20-22.

Serial No. 10/750,312

## CONCLUSION

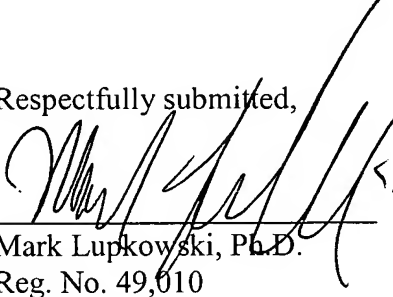
Claims 1-15 and 18-26 are pending in this application. Applicant respectfully submits that rejected claims 1, 4-9, 11, 13, 14, and 16-25 are in condition for allowance. Applicant respectfully requests the Examiner to enter the foregoing amendments and pass the case to issue.

If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 954-0297.

Date: June 23, 2006

Squire, Sanders & Dempsey LLP  
One Maritime Plaza, Suite 300  
San Francisco, CA 94111-3492  
Telephone: 415.954.0297

Respectfully submitted,



Mark Lupkowski, Ph.D.

Reg. No. 49,010

Attorney for Applicant